

MY [REDACTED]

IN THE UNITED STATES DISTRICT COURT  
FOR THE Northern DISTRICT OF TEXAS  
Lubbock DIVISION

2012 FEB 21 AM 11:11

DISTRICT OF TEXAS DEPUTY CLERK CBF

Form To Be Used By A Prisoner in Filing a Complaint  
Under the Civil Rights Act, 42 U.S.C. § 1983

GARRY WAYNE WHITE #22752 (S.G.F.M.)

Plaintiff's name and ID Number

MONTFORD

Place of Confinement

5-12 CV-028-C

CASE NO:

(Clerk will assign the number)

v.

PA MS. Noble, MARILYN 8602 Peach, St. Lubbock, Tx 79404

Defendant's name and address

MAIL ROOM SUPERVISOR H. PARKER  
8602 Peach St. Lubbock, Tx 79404

Defendant's name and address

CAPT. PARKER  
8602 Peach St. Lubbock, Tx 79404

Defendant's name and address

(DO NOT USE "ET AL.")



**INSTRUCTIONS - READ CAREFULLY**

**NOTICE:**

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.**
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

**FILING FEE AND IN FORMA PAUPERIS**

1. In order for your complaint to be filed, it must be accompanied by the filing fee of **\$350.00**.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire **\$350** filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

**I. PREVIOUS LAWSUITS:**

A. Have you filed any other lawsuits in the state or federal court relating to imprisonment?  YES \_\_\_\_\_ NO \_\_\_\_\_

B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 4-14-2011

2. Parties to previous lawsuit:

Plaintiff(s): GARY Wayne White #202732 (S.G.F.M.)

Defendant(s): P.A. Ms Noble Marlow; H. Parker; Capt. Parker; Sgt. HARRELL, CO. Hodges

3. Court (If federal, name the district; if state, name the county) Northern District of Texas

4. Docket Number: 5:11-CV-169-C

5. Name of judge to whom case was assigned: SAM R. CUMMINGS

6. Disposition: (Was the case dismissed, appealed, still pending?)

It were dismissed but it going now

7. Approximate date of disposition: I for got

II. PLACE OF PRESENT CONFINEMENT:

I forgot it

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution?  YES  NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name or address of plaintiff: GARRY WAYNE White (S.G.F.M.)  
Montford Unit Peach St. Lubbock, Tx. 79404

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: P.A. Ms. Noble, MARlyn  
Montford Unit 8602 Peach St. Lubbock, Tx 79404

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

~~PD-22~~ Denial of prescribed psych medications

Defendant #2: Officer Holder, Mail room supervisor H. Parker  
8602 Peach St. Lubbock, 79404

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

PD-22 (g) say Denial of Uniform Access to Courts - violation Level 1

Defendant #3: Capt. Panker  
8602 Peach St. Lubbock, Tx 79404

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

PD-22 Code 32 Destroying Evidence OR Giving False Testimony/Information

Defendant #4: Sgt. HARRELL  
8602 Peach St. Lubbock, Texas 79404

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

He told his officers to jump on me June 19, 2011 out of Retaliation because of a case

Defendant #5: Officer Holder, T.  
8602 Peach St. Lubbock, Tx. 79404

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

PD-22 Code 22) HARASSING OR RETALIATING AGAINST ANOTHER (Not EEO - Related)

that him AND Sgt. HARRELL lie ON A CASE THAT THEY GIVE ME  
A CASE THAT SAY ON MY STEP 2 GRIEVANCE "YOUR STEP 2 GRIEVANCE WAS  
REVIEWED AND DOCUMENTATION REFLECTS THAT DISCIPLINARY CASE #  
20110263363 WAS OVERTURNED.

II. PLACE OF PRESENT CONFINEMENT: \_\_\_\_\_

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution?  YES  NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

6. Defendant #: PA Bradberry  
Montford Unit 8602 Peach St. Lubbock, Texas 79404

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

*DENIAL OF MEDICAL treatment FOR BEING IN PAIN FULL WITHOUT NOTHING THERE*

7. Defendant #: NP Sunday Wilson

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

*DENIAL OF MEDICAL treatment & RETALIATION, ABUSE IN MISTREATMENT IN PAIN  
WOULD NOT GIVE NO PAIN MEDICATION TO ME FOR NOTHING.*

8. Defendant #: Mrs. Officer Young, Blendia

Montford Unit 8602 Peach St. Lubbock, Tx 79404

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

*BY THE PD-22 RETALIATION AND HARASSMENT ABUSE AUTHORITY IN MISTREATMENT  
IS A VIOLATION GENERAL RULES OF EMPLOYEES AS WELL TOO.*

9. Defendant #: Ms. Officer Penkurt

Montford Unit 8602 Peach St. Lubbock, Tx 79404

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

*JACKING ME FOR MY FOOD TRAY OUT OF RETALIATION, HARASSMENT, ABUSE IN  
MISTREATMENT OF OFFENDER I told everyone about this problem nothing done.*

10. Defendant #: Officer Overstreet

Montford Unit 8602 Peach St. Lubbock, Tx 79404

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

*GRIEVANCE SAY THAT I GOT CHEESE, CEREAL, PEANUT BUTTER AND JELLY, ETC AND  
I TOLD HIM THAT I GOT THIS GRIEVANCE IN MY PROPERTY AND THEY LEAVE WITH  
OUT ON ME I PAPER UP TO VIOLATION OF MY CONSTITUTIONAL RIGHTS THAT  
THEY VIOLATED NOT GIVING ME ALL MY FOODS ON MY EGG FREE TRAY.*

**V. STATEMENT OF CLAIM:**

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases of statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

*These Defendants Violated TDCJ -General Rules Of Conduct And Disciplinary Action Guidelines For Employees. Texas Government Code Chapter 521 And §§ 493.007, 500.003, 614.023; Texas Family Code § 2.401; And 18 U.S.C. §§ 92(a) And 92(g) Reference; American Correctional Association (ACA) Standard: Y-4063 And Y-4281-6 PD-22 Code 22.) HARASSING OR RETALIATING AGAINST ANOTHER (NOT EEO- RELATED) - SEE 22.A AND 22.B. An employee IS prohibited FROM HARASSING OR RETALIATING ANOTHER INDIVIDUAL IN ANY FORM OR FOR ANY REASON. FOR PARTICIPATING IN AN OFFICIAL INVESTIGATION/INQUIRY OR FOR PURSUING LEGAL ACTIVITIES (i.e., petitioning the courts) AND THESE OFFICIALS BEEN TRYING TO KILL ME TOO.*

**VI. RELIEF:** State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes. *I want to be free from TDCJ without being ON TDCJ PAPERS AND I would like to get close to Houston ON A MI UNIT AND they give me A live CLASS S3 And they give me monEYS too.*

**VII. GENERAL BACKGROUND INFORMATION:**

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

*G. MAN; Mandingo "Bey", Big Boozer"; And Abdülh, Muhammad*

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

*F.B.I. Number 862538N2*

**VIII. SANCTIONS:**

A. Have you been sanctioned by any court as a result of any lawsuit you have filed?  YES  NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): *Northern District*
2. Case Number: *5:11-cv-169-C*
3. Approximate date sanctions were imposed: *2011*
4. Have the sanctions been lifted or otherwise satisfied?  YES  NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES  NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed.  
(If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): Northern District

2. Case number: 5:11-cv-169-c

3. Approximate date warning were imposed: 4-14-2011

2-17-2012

Executed on: [REDACTED]

(Date)

GARRY WAYNE WHITE (S.G.P.M.)

(Printed Name)

Garry Wayne White

(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 17 day of February, 20 12.  
(Day) (Month) (Year)

GARRY WAYNE WHITE (S.G.P.M.)  
(Printed Name)

Garry Wayne White  
(Signature of Plaintiff)

**WARNING:** The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

GARRY WAYNE White (S.G.F.M.)

TDCJ-ID # NO. 622752

SID NO. # 6610515.

PREVIOUS TDCJ-ID # NO. 443265, 960983

PLAINTIFF

-VS-

PA Ms. Noble, MARILYN  
MAILROOM SUPERVISOR H. PARKER

CAPT. PANKER

Sgt. HARRELL

Co. Holder, T.

\*  
\*  
\*  
\*  
\* CIVIL ACTION NO. 5-12 CV-028-C

COMPLAINT

I. JURISDICTION & VENUE

(1.) This is a Civil Action Authorized By 42 U.S.C. Section 1983 to Redress the Deprivation, Under Color of State Law, of Rights Secured By the Constitution of the United States. The Court has jurisdiction under U.S.C. Section 1331 AND 1333(A)(3) Plaintiff, White's claims for injunctive relief are authorized by 28 U.S.C. Section 2283, 2284 and Rule 65 of the Federal Rules of Civil Procedure.

(2) The Northern District of Texas is an appropriate venue under 28 U.S.C. Section 1331(b)(2) because it is where the events giving rise to this claim occurred.

(3) Plaintiff GARRY White, is and was at all times mentioned herein a prisoner of the State of Texas in the custody of the Texas Department of Corrections. He is currently confined in Texas State Prison, in Lubbock, Texas 79404.

(4) Defendant CURRICK is the Warden of Texas State Prison. He is legally responsible for the operation of Texas State Prison and for the welfare of all the inmates of that prison.

(5) Defendant Holder, T. is a Correctional Officer of the Texas Department of Corrections who, at all times mentioned in his [REDACTED] Complaint, held the rank of Prison Guard and was assigned to Texas State Prison. And CAPT. PANKER ran the case on me knowing this was a false case and he call himself Retaliated on me and I grievance this case # 20110263363 was overturned.

(6) Each defendants is sued individually and in his officials capacity. At all times mentioned in this Complaint each defendants acted under the color of state law.

(7) Plaintiff at some that night on the date June 19, 2011 this Sgt. HARRELL give the order for his Officers to jump on me that injury my shoulders and got my neck injury bader and my back and eye is injury as well to this was out of retaliation because I got that case overturned what they waster on me that day of May 16, 2011 and June 19, 2011 if say "Your Step 2 grievance was reviewed and

documentation reflects that disciplinary case # 26363 was never pursued. ANY STAFF FOUND TO BE IN VIOLATION OF POLICY AND OR PROCEDURES, IT WILL BE ADDRESSED WITH STAFF AND CORRECTED. NO FURTHER ACTION WARRANTED. AO-D OF DATE: SEP. 27, 2011 SIGNATURE AUTHORITY: C. LAWSON.

## V. LEGAL CLAIMS

(8) When White WAS NOT VIOLATING ANY PRISON RULES, AND WAS NOT ACTING DISRUPTIVELY. Defendant Holder's ACTION VIOLATED PLAINTIFF White's RIGHTS UNDER THE EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION. AND CAUSED PLAINTIFF White IN PAIN, SUFFERING, PHYSICAL INJURY HISSELF AND EMOTIONAL DISTRESS AND MAKING HIM CUT ON MYSELF AND NOT GETTING NO LT. ARE SGT. TO GET WHAT I WERE CUTTING MYSELF WITH THAT NIGHT OF MAY 16, 2011 AT 10: P.M.

(9) BY WITNESSING DEFENDANT HOLDER'S ILLEGAL ACTION, FAILING TO CORRECT THAT MISCONDUCT, AND ENCOURAGING THE CONTINUATION OF THE MISCONDUCT, DEFENDANT HOLDER IS ALSO VIOLATING PLAINTIFF White's RIGHTS UNDER THE EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND CAUSING PLAINTIFF White IN PAINFUL SUFFERING PHYSICAL INJURY AND EMOTIONAL DISTRESS.

(10) BY THREATENING PLAINTIFF White WITH PHYSICAL VIOLENCE FOR EXERCISE OF HIS RIGHT TO SEEK REDRESS FROM THE PRISON THROUGH USE OF THE PRISON GRIEVANCE SYSTEM, DEFENDANT HOLDER IS RETALIATING AGAINST PLAINTIFF White UNLAWFULLY IN VIOLATION OF PLAINTIFF White's RIGHTS UNDER THE FIRST AND EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION. THESE ILLEGAL ACTIONS ARE CAUSING PLAINTIFF White INJURY TO HIS FIRST AND EIGHTH, THE BILL OF RIGHTS AND AMENDMENTS TO THE U.S. CONSTITUTION.

(11) PLAINTIFF White HAS NO PLAINT, ADEQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTIFF HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THIS COURT GRANTS THE DECLARATORY AND INJUNCTIVE RELIEF WHICH PLAINTIFF SEEKS.

## VI. PRAYER FOR RELIEF

(11.) GRANTING PLAINTIFF White A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATE HIS RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES, AND (12.) A PRELIMINARY AND PERMANENT INJUNCTION ORDERING DEFENDANTS HOLDER AND ALL TO CEASE THEIR PHYSICAL VIOLENCE AND THREATS TOWARD PLAINTIFF White, AND GRANTING PLAINTIFF White COMPENSATORY DAMAGES IN THE AMOUNT OF \$75,000. AGAINST EACH DEFENDANT JOINTLY AND SEVERALLY.

(13.) PLAINTIFF White SEEKS COMPENSATORY DAMAGES OF \$0.00. AGAINST DEFENDANT Holder ONLY.

(13.) BOTH PLAINTIFFS SEEK PUNITIVE DAMAGES IN THE AMOUNT OF \$75,000. PLAINTIFF White SEEK THESE DAMAGES AGAINST EACH DEFENDANT JOINTLY AND SEVERALLY. PLAINTIFF White SEEK DAMAGES ONLY AGAINST DEFENDANT Holder, T.

(14.) Plaintiff Also seek A JURY trial on All issues triable by JURY  
(15.) Plaintiff Also seek RECOVERY OF their costs in this suit AND  
(16.) ANY Additional Relief this Court deems just, Proper, And equitable.

RE: This is A LEGAL letter to Judge PLEASE AS You ALL CAN see on that my EA:3, 1

that Why I CAN NOT do LEGAL LAW work that good but I do need A LAWTER in this CASE And this HEARING of Some of these VIOLATIONS I WROTE it more to this CASE I told that what HAPPEN ON DATE 6-19-2011 I told you ALL that they had A Hit on me go back AND look what ALL I File now(1) To Prove An Eighth Amendment Violations the Prison officials must(A) Act with deliberate indifference to A PRISON Condition (1) Deliberate indifference is when Prison Officials IGNORE AN Obvious AND SERIOUS DAMAGE FARMER V. BRENNAN, 511 U.S. 825, 835 (1994) on the Date Of October 26, 2011 I WROTE A Life-ENDANGERMENT to WARD WATKIN AND SAC CLASSIFICATION Committee for the DATE OF October 28, 2011.

DATE: FEBRUARY 16, 2012

Respectfully submitted,

X Harry Wayne White (S.G.F.M.)  
Montford Unit  
8602 Peach Street  
Lubbock, Texas 79404

### VERIFICATION

I HAVE READ the foregoing COMPLAINT AND hereby, VERIFY that the matter Alleged therein ARE TRUE, except AS to matters Alleged ON INFORMATION AND belief AND AS those, I believe them to be true. I certify under PENALTY OF PERJURY that the foregoing is true AND CORRECT.

Executed At Montford UNIT ON the Date: FEBRUARY 16, 2012

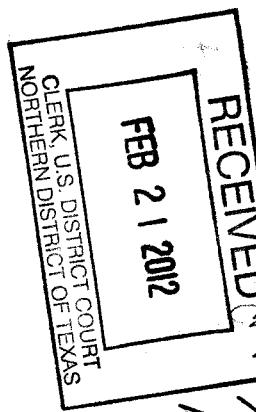
X Harry Wayne White # 622752  
GARRY WAYNE WHITE (S.G.F.M.)

-(ON File)-  
C.C.

2-16-2012

PAGE(3)

Larry Wayne White #622152  
Mifflord Unit  
8629 Peach Street  
Lubbock, Texas  
79404



Clark  
United States District Court  
Northern District of Texas  
1205 Texas Ave, Room 209  
Lubbock, Texas  
79401

